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VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: **Petition for Rule Making**

Dear Ms. Salas:

On behalf of Davis Television Clarksburg, LLC, I am transmitting herewith an original and four copies of a Petition for Rule Making seeking to amend the DTV Table of Allotments to specify Channel 10 in lieu of Channel 28 for transitional DTV use by WVFX(TV), Clarksburg, West Virginia.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Ross G. Greenberg

RGG:rg
Enclosures

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**BEFORE THE
Communications C
WASHINGTON, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.622(b)) RM _____
Table of Allotments, DTV Broadcast Stations)
(Clarksburg, West Virginia))

**To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**

PETITION FOR RULE MAKING

Davis Television Clarksburg, LLC (“Davis Clarksburg”), licensee of Station WVFX(TV), Clarksburg, West Virginia, by its attorneys and pursuant to the provisions of Section 1.401 of the Commission’s Rules, hereby requests that the Commission institute a rule making proceeding to amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 10 as the DTV allocation for transitional DTV use by Station WVFX(TV) in lieu of Channel 28, as originally allotted.

As shown in the accompanying engineering statement prepared by Bernard R. Segal, P.E. (the "Engineering Statement"), Channel 10 may be allotted for DTV use by Station WVFX(TV), operating from the station's licensed NTSC transmitter site.

The Engineering Statement establishes that Davis Clarksburg's proposal is in full accord with all applicable coverage and allocation criteria set forth in the Commission's Rules. The proposed operation on Channel 10 provides full coverage over Clarksburg, West Virginia,

the community of license of Station WVFX(TV), as required by Section 73.623(c)(1) of the rules. *See* Engineering Statement, p. 2 and Figure 3. No NTSC station would receive interference from the DTV operation of Station WVFX(TV) on Channel 10 which might affect any populated area to an extent which would exceed the standards adopted by the Commission as acceptable *de minimis* interference, as required by Section 73.623(c)(2) of the rules. *Id.* at pp. 3-4 and Figure 5.


Upon the Commission's grant of this petition for modification of the DTV allocation by the substitution of Channel 10 for Channel 28 for DTV use by Station WVFX(TV), Davis Clarksburg will timely file an application specifying the operation of Station WVFX-DT on Channel 10 and will adhere to all applicable Commission standards for the construction and initiation of operation of its DTV facility.

THEREFORE, for the reasons set forth above, a rule making proceeding should be instituted proposing the amendment of Section 73.622(b) of the Commission's Rules to

substitute Channel 10 for Channel 28 in the DTV Table of Allotments for use by Station
WVFX(TV).

Respectfully submitted,

DAVIS TELEVISION CLARKSBURG, LLC

By: 
Dennis P. Corbett
Ross G. Greenberg

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June 30, 1999

Its Attorneys

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
DAVIS TELEVISION CLARKSBURG, LLC
CLARKSBURG, WEST VIRGINIA**

The instant Engineering Statement has been prepared on behalf of Davis Television Clarksburg, LLC, the licensee of NTSC station WVFX, Clarksburg, West Virginia. Engineering support is provided for a petition to amend the DTV Table of Allotments, Section 73.622(b) of the Rules. The FCC allotted Ch. 28 for transitional DTV use for NTSC station WVFX. Station WVFX operates on UHF Ch. 46. The instant Engineering Statement provides support for amendment of the DTV Table of Allotments to specify Ch. 10 in lieu of Ch. 28.

The proposed Ch. 10 DTV allotment is for operation from the same site as the current WVFX operation. The geographic coordinates for the WVFX tower location are: 39° 18' 02" North Latitude; 80° 20' 37" West Longitude. The foregoing geographic coordinates are based on NAD 1927. A directional antenna will be employed with maximum effective radiated power of 55 kW, average. The antenna radiation center height above average terrain will be 260 meters.

The particulars for the directional antenna which will be used are provided in Figures 1 and 2. Figure 1 is the azimuth pattern for the antenna and Figure 2 is a tabulation of relative field and effective radiated power data for the antenna.

In compliance with the requirements of Section 73.623(c), studies are provided which demonstrate that the proposed change in the allotment table will permit a facility that satisfies the coverage and allocation criteria of the recited rule.

Figure 3 is a map demonstrating the extent of coverage of the 36 dB μ , F(50,90), contour for the proposed allotment. Figure 4 is a tabulation of terrain elevation data and distances to the 36 dB μ , F(50,90), contour used for the preparation of Figure 3. Figure 3 demonstrates that the entire community of Clarksburg will be encompassed and that the proposed allotment, therefore, complies with the principal community coverage requirement of Section 73.625(a).

As to allocation concerns, the study provided herein as Figure 5 demonstrates that no NTSC station or DTV allotment would receive interference from the proposed WVFX-DT, Ch. 10, facility affecting population in excess of the de minimis 2% allowable level. The cumulative interference, where the proposed WVFX-DT facility would cause interference to any NTSC station or DTV allotment, will not exceed the maximum allowable of 10%.

The study of Figure 5 was performed using an FCC matched computer analysis taking into account all allocation factors. A computer using an Alpha processor was employed in conjunction with the FCC's FLR software. For each station studied, the reference information from Appendix B of the Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order in MM Docket Number 87-268 is listed in Figure 5 for comparison with the results obtained independently using the Alpha processor with the FCC's FLR software. The independently determined calculation results are in excellent agreement with the FCC's Appendix B results.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

Engineering Statement
Davis Television Clarksburg, LLC

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Two studies were performed. The first study took into account the current Appendix B allotment facilities for WVFX-DT that provided a reference for comparison with the results of the second study which included the effect of the proposed new Ch. 10 DTV allotment for WVFX-DT. As demonstrated in Figure 5, the proposed allotment satisfies all FCC criteria.

The National Geophysical Data Center 30" terrain elevation database was used to determine the terrain elevation averages from 3.2 to 16.1 kilometers which were used in the calculations of the distances to the DTV coverage contour.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 28, 1999.



Bernard R. Segal, P.E.

Figure 1



Date	24 Jun 1999		
Call Letters	WVFX-DT	Channel	10
Location	CLARKSBURG, WV		
Customer			
Antenna Type	THP-P2-3-1		

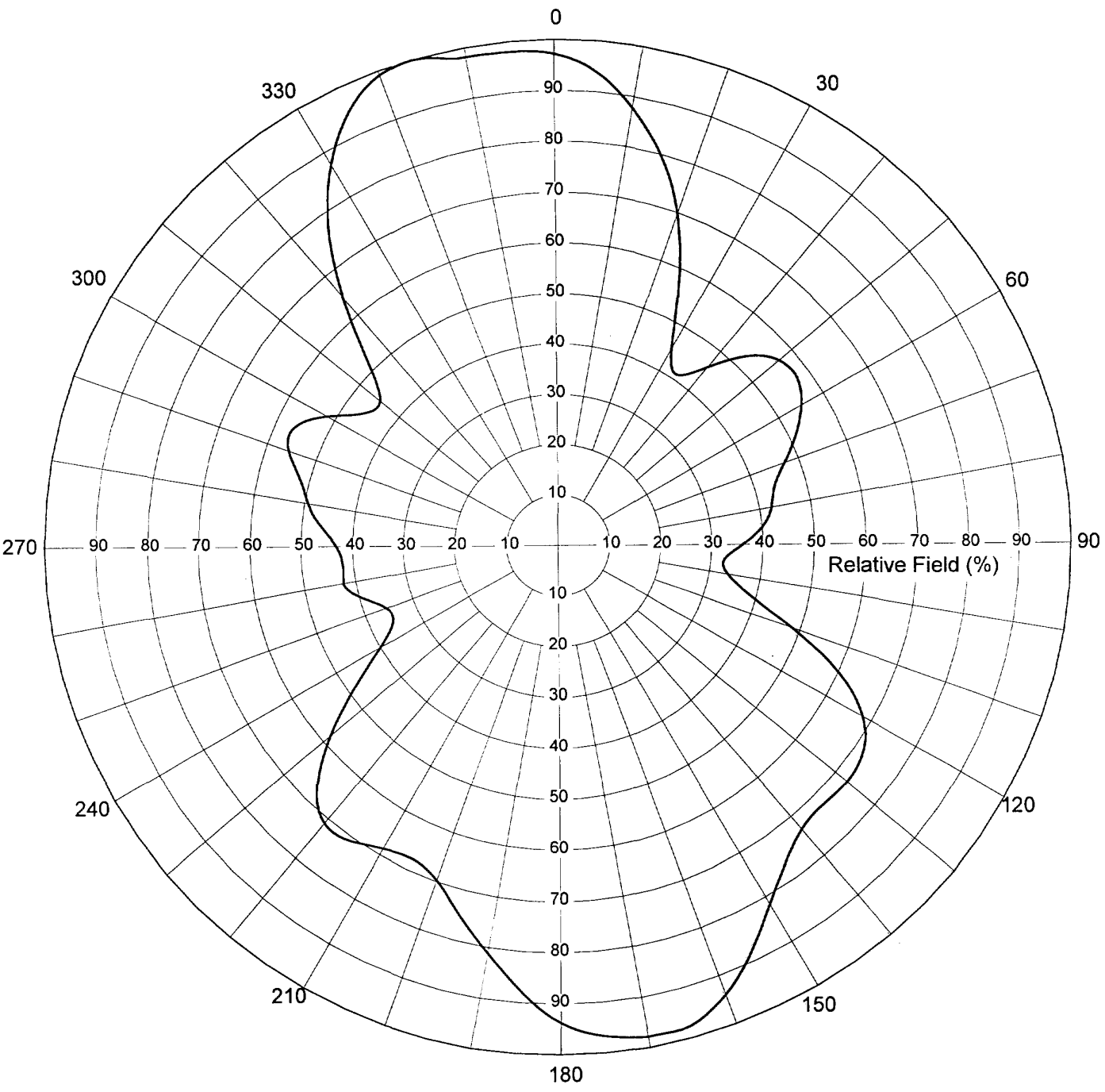
AZIMUTH PATTERN

RMS Gain at Main Lobe
Calculated / Measured

2.20 (3.42 dB)
Calculated

Frequency
Drawing #

195 MHz
TF-P2



**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
DAVIS TELEVISION CLARKSBURG, LLC
CLARKSBURG, WEST VIRGINIA**

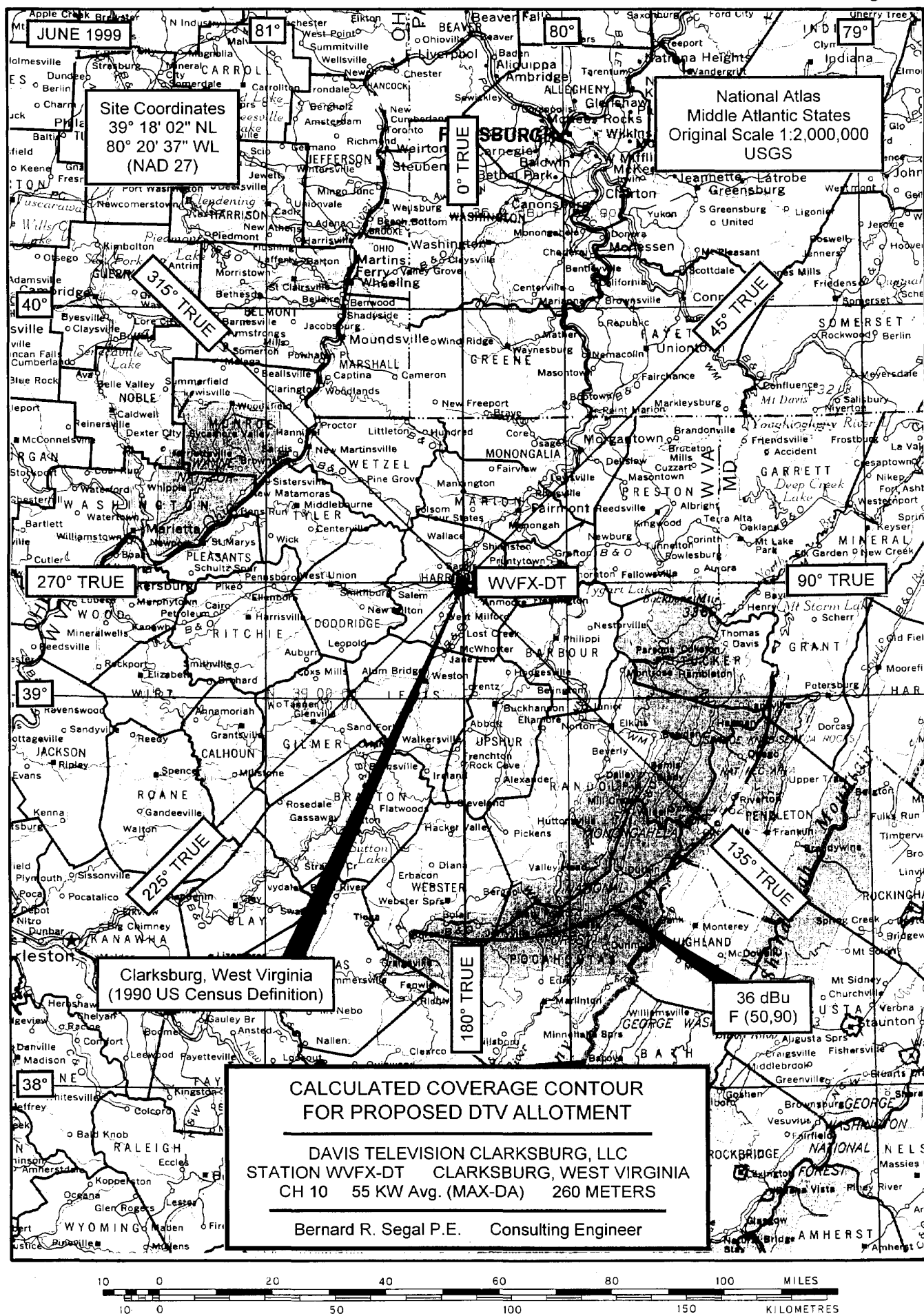
Tabulation of Data for Radiation Pattern

<u>Azimuth</u> (deg. T)	<u>Relative Field</u>	<u>Effective Radiated Power</u> (kW)	<u>Azimuth</u> (deg. T)	<u>Relative Field</u>	<u>Effective Radiated Power</u> (kW)
0	0.972	52.0	180	0.938	48.4
10	0.877	42.3	190	0.812	36.3
20	0.697	26.7	200	0.698	26.8
30	0.450	11.1	210	0.687	26.0
34*	0.411	9.29	220	0.712	27.9
40	0.460	11.6	230	0.582	18.6
50	0.568	17.7	240	0.400	8.80
53**	0.575	18.2	247*	0.350	6.74
60	0.551	16.7	250	0.356	6.97
70	0.471	12.2	260	0.425	9.93
80	0.424	9.89	270	0.432	10.3
90	0.361	7.17	280	0.493	13.4
96*	0.325	5.81	290	0.556	17.0
100	0.337	6.25	293**	0.567	17.7
110	0.484	12.9	300	0.517	14.7
120	0.681	25.5	308*	0.445	10.9
130	0.730	29.3	310	0.448	11.0
140	0.733	29.6	320	0.646	23.0
150	0.816	36.6	330	0.872	41.8
160	0.940	48.6	340	0.991	54.0
170**	0.979	52.7	343**	1.000	55.0
			350	0.982	53.0

* Local minimum bearing.

** Local maximum bearing.

Figure 3



**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
DAVIS TELEVISION CLARKSBURG, LLC
CLARKSBURG, WEST VIRGINIA**

Tabulation of Average Elevations and
Distances to the DTV Coverage Contour

<u>Azimuth</u> (deg. T.)	<u>3.2-16.1 km</u> <u>Terrain Average</u> (mAMSL)	<u>Radiation Center</u> <u>Above</u> <u>Terrain Average</u> (m)	<u>ERP</u> (Avg.) <u>Employed</u> (kW)	<u>Distance to</u> <u>36 dBμ,</u> <u>F(50,90)</u> <u>Contour</u> (km)
0	341	280	52.0	104.5
15	310	311	35.2	103.0
30	347	274	11.1	92.1
45	362	259	15.3	93.6
60	364	257	16.7	94.6
75	368	253	14.5	91.2
90	367	254	7.17	87.9
105	349	272	8.20	90.6
120	379	242	25.5	97.0
135	360	261	29.0	99.2
150	349	272	36.6	101.3
165	364	257	52.4	103.3
180	380	241	48.4	102.0
195	355	266	31.0	99.9
210	323	298	26.0	99.8
225	356	265	24.5	97.4
240	370	251	8.80	89.4
255	370	251	8.54	89.0
270	373	248	10.3	90.4
285	368	253	14.8	93.7
300	356	265	14.7	94.0
315	348	273	14.8	95.1
330	359	262	41.8	102.0
345	360	261	54.9	103.9
Average for eight standard radials	361	260		

Note: The NGDC 30" terrain elevation database was used to determine the 3.2-16.1 km terrain averages.

**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
DAVIS TELEVISION CLARKSBURG, LLC
CLARKSBURG, WEST VIRGINIA**

NTSC and DTV Allocation Studies for Proposed WVFX-DT Allotment

Ch. 10, 55 kW Avg. (MAX-DA), 260 m

NAD 1927 Site Coordinates: 39° 18' 02" North Latitude; 80° 20' 37" West Longitude

Antenna Radiation Center: 621 mAMSL

A: NTSC Study

Ch. Relation- ship ¹	Potentially Affected Desired NTSC Station	Appendix B Data		Independent Calculations						Cum- ulative DTV Interf.
		Current	Allotted	Current	Noise	Allotted DTV		New Interference		
		Svc. Pop. (Thous.)	DTV Interf. Pop. (%)	Svc. Pop. (Thous.)	Lmtd. Pop. (Thous.)	Interf. Pop. (Thous.)	(%)	from proposed WPGX-DT (Thous.)	(%)	
n-0	WBNS-TV, Columbus, OH Ch. 10, 316 kW (MAX, H&V), 271 m	1,915	8.8	1,914	2,004	188	9.4	8	0.4	9.8
	WTAJ-TV, Altoona, PA Ch. 10, 229 kW (MAX), 335 m	764	0.0	775	782	0	0.0	10	1.3	1.3
	WSLS-TV, Roanoke, VA Ch. 10, 316 kW (MAX-DA), 610m	1,092	0.1	1,091	1,136	1	0.1	4	0.4	0.5
n-1	WPXI, Pittsburgh, PA Ch. 11, 316 kW (MAX), 302 m	3,090	0.0	3,081	3,324	0	0.0	0	0.0	0.0
n+1	C.P. WTOV-TV, Steubenville, OH Ch. 9, 316 kW, 268 m	2,862	0.0	2,879	3,261	0	0.0	1	0.0	0.0

¹ n = desired station's channel.

B: DTV Study

Ch. Relation- ship ¹	Potentially Affected Desired DTV Station	<u>Appendix B Data</u>		<u>I n d e p e n d e n t C a l c u l a t i o n s</u>				Cum- ulative DTV Interf.
		Baseline Pop. (Thous.)	DTV Service (Thous.)	Baseline Pop. (Thous.)	DTV Service (Thous.)	Additional Interf. from Prop. WVFX-DT (Thous.)	(%)	
n-0	Allotment, Cincinnati, OH ² Ch. 10, 15.4 kW, 305 m	2,781	2,609	2,792	2,598	0	0.0	0.0
	Allotment, Shaker Heights, OH ³ Ch. 10, 3.6 kW, 351 m	3,396	3,396	3,391	3,391	2	0.1	0.1
n-1	None sufficiently close for concern	—	—	—	—	—	—	—
n+1	None sufficiently close for concern	—	—	—	—	—	—	—

¹ n = desired station's channel.

² A checklist CP has been granted for WCPO-DT. Therefore, the allotment facilities have been employed.

³ A checklist CP has been granted for WOIO-DT. Therefore, the allotment facilities have been employed.